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PATENT

DAC/8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

PENRY et al.

Application No.: 09/533,705

Filed: March 23, 2000

For: SILICON-BASED MICRODISPLAY  
WITH A GLASS-SIDE PASSIVATION  
LAYER

Group Art Unit: 2871

Examiner: B. Hearn

PETITION FOR RECONSIDERATION OF  
PTO DECISION REFUSING STATUS  
UNDER 37 CFR 1.47 (a) AND REQUEST TO  
ENTER DECLARATION OF RUSSELL  
FLACK

121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312

Box DAC  
Commissioner for Patents  
Washington, D.C. 20231

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail in an  
envelope, addressed to: Commissioner for Patents,  
Washington, DC 20231 on April 24, 2001

STALLMAN & POLLOCK LLP

Dated: 4/24/01 By: [Signature]  
[Signature] Applying

Sir:

On March 23, 2000, the above-identified patent application was filed identifying Matthew Douglas Penry and Russell Flack as co-inventors. The application included a declaration document identifying Mr. Penry and Mr. Flack as inventors, but signed only by Mr. Penry.

On June 12, 2000, the Patent Office issued a Notice to File Missing Parts of Non-Provisional Application, stating that the signature of Russell Flack was missing from the declaration.

On October 3, 2000, a response to the Notice to File Missing Parts of Non-Provisional Application was filed; the response included a petition under 37 CFR §1.47(a) requesting that the

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application be accorded an official filing date in view of the good faith, but unsuccessful attempts to obtain the signature of inventor Russell Flack on the declaration.

On November 24, 2000, the Patent Office issued a Decision Refusing Status under 37 CFR §1.47(a), stating that applicant had failed to show or provide adequate proof that a diligent effort had been made to reach or locate Mr. Flack.

Subsequent to the issuance of the PTO Decision Refusing Status under 37 CFR §1.47(a), the undersigned has been successful in obtaining Mr. Flack's signature on a declaration for this application. The original of that declaration is enclosed herewith.

In view of the above, it is requested that the Mr. Flack's declaration be entered and that the application be forwarded to the appropriate examining group for examination.


Under separate correspondence, applicant also provides assignments of the invention by Mr. Penry and Mr. Flack to National Semiconductor Corporation.

Any questions or comments regarding the above should be directed immediately to the undersigned at 415-512-1312, ext. 102 or mpollock@stallmanpollock.com.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: 4-24-2001

By:   
Michael J. Pollock  
Reg. No. 29,098

Attorneys for Applicant(s)

Atty. Docket No. NSC1-G3900 [P04391]